**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1415 OF 2007

Su-Raj Diamonds (I) Ltd. and
its Associates and/or Contract
Staff Association. Represented by
Mr.Joy Deb Saha. ..Petitioner.

Versus

M/s.Su-Raj Diamonds and Jewellery
Ltd., & Ors. ..Respondents.

..

Nr.Joy Deb Saha, petitioner-in-person present.

Mr.J.P.Cama, Sr.Counsel, Mr.Ashok Mundargi, Sr.Counsel with Mr.Mahesh Londhe with Mr.Amit Dhubia i/b. Sanjay Udeshi & Co. for the Respondents.

Mr.A.R.Patil, APP, for the State.

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**CORAM : SMT.V.K.TAHILRAMANI,J.**

**DATED : DECEMBER 04, 2007.**

P.C.:

1. Heard the petitioner who is appearing in-person.

2. The petitioner has filed a complaint bearing C.C. No.275/M/2006 (which is now

converted as C.C. No.33/I & R/2007) before the learned Additional CMM Court, Borivali. In the said case the learned Magistrate by order dated 7.7.2007 referred the matter to Sr.P.I. Goregaon Police Station under Section 202 Cr.P.C. and directed the Sr.PI to submit a report in detail. The grievance of the petitioner is that the Magistrate ought to have issued process against the respondents in the complaint filed by him, and the learned Magistrate ought not to have referred the complaint under Section 202 Cr.P.C. to the Police.

3. Looking to the complaint and the material on record, it cannot be said that the step taken by the learned Magistrate is illegal or unjust. The learned Magistrate was well within his rights to refer the complaint under Section 202 Cr.P.C.. It is an admitted position that the report has been submitted by the Police in the said case and the matter has been posted on 4th January, 2008 by the learned Magistrate. Now that the report has been submitted by the Police, obviously the learned Magistrate would look into the report and

take further steps in accordance with law. The learned Magistrate shall consider the report as expeditiously as possible, and thereafter proceed with the matter in accordance with law. In case, the decision of the Magistrate is adverse to the petitioner, it would be open to the petitioner to take such steps as are permissible to him in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the matter.

4. Writ Petition is disposed of accordingly.

**(SMT.V.K.TAHILRAMANI,J.)**